

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

ANDREW ARMSTRONG,

Petitioner,

v.

WARDEN,

Respondent.

CAUSE NO.: 3:19-CV-257-PPS-MGG

OPINION AND ORDER

Andrew Armstrong, a prisoner without a lawyer, filed a habeas corpus petition attempting to challenge a prison disciplinary hearing (ISP 19-01-0039) where a Disciplinary Hearing Officer (DHO) found him guilty of Fighting in violation of Indiana Department of Correction offense C-372. He did not lose any earned credit time – nor was he demoted in credit class – as a result of this hearing. A prison disciplinary hearing can only be challenged in a habeas corpus proceeding where it results in the lengthening of the duration of confinement. *Hadley v. Holmes*, 341 F.3d 661, 664 (7th Cir. 2003). Therefore, habeas corpus relief is not available in this case.

If Armstrong wants to appeal this decision, he does not need a certificate of appealability because he is challenging a prison disciplinary proceeding. *See Evans v. Circuit Court*, 569 F.3d 665, 666 (7th Cir. 2009). However, he may not proceed in forma pauperis on appeal because pursuant to 28 U.S.C. § 1915(a)(3) an appeal in this case could not be taken in good faith.

For these reasons, the habeas corpus petition is DENIED. The clerk is DIRECTED to enter judgment and close this case. Andrew Armstrong is DENIED leave to proceed in forma pauperis on appeal.

SO ORDERED on June 25, 2019.

/s/ Philip P. Simon
PHILIP P. SIMON, JUDGE
UNITED STATES DISTRICT COURT